



## MISSOURI COURT OF APPEALS

SOUTHERN DISTRICT  
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SPRINGFIELD, MISSOURI 65806-2546

MARY W. SHEFFIELD  
JUDGE

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March 24, 2023

Honorable Daniela Bacchetta  
Department for Juvenile Justice  
Ministry of Justice  
Rome, Italy  
[daniela.bacchetta@giustizia.it](mailto:daniela.bacchetta@giustizia.it)

and

Honorable Gabriella Tomai  
IHJN Judge for Italy  
Caltanissetta, Italy  
[gabriella.tomai@giustizia.it](mailto:gabriella.tomai@giustizia.it)

Re: *Isacco Jacky Saada v. Narkis Aliza Golan*  
United States District Court for the  
Eastern District of New York  
18-CV-05292 (AMD) (SMG)

Dear Judge Bacchetta and Judge Tomai:

As you know, I am one of three Judges representing the United States on the International Hague Judges Network (IHJN). I am submitting this request to you on behalf of Judge Ann M. Donnelly of the United States District Court for the Eastern District of New York (primarily Brooklyn), for a judicial communication pursuant to the Hague Conference Protocol on Direct Judicial Communications.<sup>1</sup>

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<sup>1</sup> See generally Hague Conference on Private International Law, Direct Judicial Communications: Emerging Guidance Regarding the Development of the International Hague Network of Judges and General Principles for Judicial Communications, Including Commonly Accepted Safeguards for Direct Judicial Communications in Specific Cases, Within the Context of the International Hague Network of Judges (2013), <https://assets.hcch.net/docs/62d073ca-edao-494e-af66-2ddd368b7379.pdf>.

Judge Donnelly has received a translated document from the Ordinary Law Court of Milan, Civil Section 9 – Family – regarding the hearing held in Italy on January 12, 2023 indicating that the Hague matter in Italy has been dismissed, and the matter involving B.A.S. has been removed to the Italian Juvenile Court.

Judge Donnelly would like to determine the current status of the case in Italy and what protective measures remain available for the child.

I believe both of you are familiar with the history of this matter and the unexpected death of Narkis Aliza Golan.

The questions which Judge Donnelly is directing to the Milan Ordinary Law Court and/or to the Juvenile Court of Milan are as follows:

- 1) In its January 25, 2023 Order, the Milan Ordinary Law Court declared “the cessation of the matter under dispute due to the death of Narkis Aliza Golan.” What effect, if any, did that decision have on the question of custody of the minor child, B.A.S.?
- 2) What is the style of the case and the current nature of the proceedings in the Juvenile Court of Milan?
- 3) If this Court were to order B.A.S.’s return to Italy, could he return in the custody of his father, Isacco Jacky Saada?
- 4) Are there currently any legal impediments to Mr. Saada’s ability to exercise custody over his son in Italy?
- 5) If Mr. Saada could not have full custody of B.A.S., could one of his family members do so in his stead?
- 6) If this Court were to order B.A.S.’s return to Italy, would he be placed in foster care, an orphanage or a group home upon his return?
- 7) Is Allesandro Simeone still the court-appointed Special Guardian for B.A.S.? If not, has another court appointed guardian been appointed, and who is that guardian?

I do not have any special knowledge or information beyond that which is available through public access. As you are undoubtedly aware, there are many documents regarding a case of this magnitude. I am copying you with the Memorandum Decision and Order that Judge Donnelly issued on August 31, 2022, which was appealed prior to Narkis Aliza Golan’s death. On November 10, 2022, the United States Court of Appeals Second Circuit dismissed the appeal to Judge Donnelly’s Order as moot, vacated the Order and remanded the case to the District Court directing Judge Donnelly to entertain any motions for intervention or substitution of parties. Motions to intervene were subsequently filed by Morin Golan and another party.

On February 13, 2023, Judge Donnelly issued her Order. The court denied petitioner's motion to substitute Morin Golan as a respondent and motions by the Children's Law Center and Morin Golan to intervene. The court deferred ruling on petitioner's motion to vacate the Orders of the Kings County Family Court and did not rule on the request for temporary custody over B.A.S. during the pendency of these proceedings. A copy of her February 13, 2023 Order is attached.

At this time, there is no request for a direct communication between the Italian judge of record and Judge Donnelly only a request to answer the questions previously discussed. It would be most helpful if we could be advised of the current judge and court presiding over the juvenile proceedings. Judge Donnelly is hopeful that you might be able to advise her as to which particular Italian court she should contact. Anything you can do to expedite this matter and any answers that can be provided would be most helpful to Judge Donnelly.

I am happy to serve as an intermediary as a US member of the International Hague Judges Network. However, it would be helpful if Judge Donnelly could also be copied with your responses, as I am only a conduit for putting Judge Donnelly in touch with the appropriate Italian authorities and facilitating this communication through the Network Judges.

I do hope you, your families, and your colleagues are well. I appreciate your time, interest, and efforts in this important matter. Any assistance is much appreciated. Please do not hesitate to contact me if you have any questions. Thank you and best wishes.

Sincerely,



Judge Mary W. Sheffield

MWS/lks  
Attachments  
cc: Honorable Ann M. Donnelly  
Ann\_Donnelly@nyed.uscourts.gov